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September 20, 2004

FAX

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Office of Petitions	703-872-9306	U.S. Patent and Trademark Office Alexandria, Virginia

Elena S. Polovnikova, Ph.D. - 3392
FROM

02811-0181
REFERENCE NO

14
PAGES (WITH COVER)

42368-250224
CLIENT/MATTER NO.

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COMMENTS

The facsimile confirmation of the Patent Office imprinted hereon will acknowledge receipt of:

Application No: 09/735,363

Filed: December 12, 2000

Applicant: Phillips *et al.*

For: THERAPEUTICALLY USEFUL SYNTHETIC OLIGONUCLEOTIDES

Papers Submitted: Petition Under 37 CFR 1.137(a) to Revive an Application Unavoidably Abandoned; Amendment and Response to Non-final Office Action; Exhibit A

Docket No.: 02811-0181 (42368-250224)

Date Faxed: September 20, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Phillips *et al.*

Serial No. 09/735,363

Filed: December 12, 2000

For: THERAPEUTICALLY USEFUL
SYNTHETIC OLIGONUCLEOTIDES

Art Unit: 1635

Examiner: Jane Zara

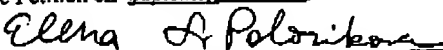
**PETITION UNDER 37 CFR 1.137(a) TO REVIVE
AN APPLICATION UNAVIDABLY ABANDONED**Commissioner of Patents
Mailstop Petition
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The undersigned agent for applicants petitions under 37 C.F.R. 1.137(a) to revive the above-identified patent application as unavoidably abandoned on the grounds that an Office Action mailed December 18, 2003, was not received by the applicants' representative, and, therefore, the delay in reply to the Office Action from the due date for the reply to the Office Action until a filing of a grantable petition was unavoidable.

Pursuant to 37 C.F.R. 1.137(a), the Amendment and Response to December 18, 2003, Office Action accompanies this Petition. Consideration of the Amendment and Response to the Office Action and reconsideration of the rejected claims is respectfully solicited.

I hereby certify that this correspondence is being sent via facsimile transmission to 703-872-9306 attention Office of Petitions at the United States Patent and Trademark Office Petition on September 20, 2004.



Elena S. Polovnikova, Ph.D.- Reg. No. 52,130

ATL11803 167459.1

Applicant: Phillips et al.
Application Serial No. 09/735,363
Petition to Revive
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The Commissioner is hereby authorized to charge the petition fee as set forth in 37 C.F.R. 1.17(l) to Deposit Account Number 11-0855.

The undersigned submits that the entire delay in filing the required reply from the due date for the reply until a filing of a grantable petition pursuant to 37 C.F.R. 1.137(a) was unavoidable. On September 3, 2004, the Examiner notified the applicants' representative, Dr. John K. McDonald, that the application became abandoned for failure to respond to the Office Action mailed December 18, 2003, with a six-month period for filing the response that expired June 18, 2003. Applicants' representative thanks the Examiner for the courtesy of the telephone call notifying them of the abandonment, and for forwarding to them a copy of the Office Action of December 18, 2003. The undersigned attests that the applicants' representative did not receive the Office Action mailed December 18, 2003, and first learned of its existence from the Examiner on September 3, 2004.

A search of the patent docket records maintained by the law firm where the undersigned is employed was conducted. The search indicated that this Office Action was not received. A copy of the docket record showing all entries docketed as of September 3, 2004, is enclosed herewith (Exhibit A). Had the Office Action been received, it would have been entered into this docket record. The undersigned also searched the file jacket of the aforementioned application and did not locate the Office Action. Docket entries are not entered on file jackets maintained by the law firm employing the undersigned, and for that reason a copy of the file jacket is not submitted. Accordingly, the undersigned respectfully submits that the Office Action was not received, the circumstances pointing that it was lost in the mail.

The Petition is promptly filed within less than three months after being notified by the Examiner that the application was abandoned, and within less than one year after the date when the application became abandoned. The entire delay in filing the required

ATLJ002 167459.1

Applicant: Phillips et al.
Application Serial No. 09/735,363
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reply from the due date for the reply until filing of the present Petition was unavoidable. Accordingly, the undersigned requests to revive the present application as unavoidably abandoned.

Consideration of the Amendment and Response to the Office Action that accompanies this petition and reconsideration of the rejected claims is respectfully solicited. The undersigned asserts that the Amendment and Response places the claims of the above-reference application in condition for allowance and respectfully requests that the application be passed to issuance upon grant of the present Petition and entry of the Amendment. If the Examiner believes that any informalities remain in the case which may be corrected by Examiner's amendment, or that there are any other issues which can be resolved by a telephone interview, a telephone call to the undersigned agent at (404) 815-6102 or to Dr. John K. McDonald at (404) 745-2470 is respectfully solicited.

No additional fees are believed due, however, the Commissioner is hereby authorized to charge any deficiencies which may be required or credit any overpayment to Deposit Account Number 11-0855.

Respectfully submitted,



Elena S. Polovnikova, Ph.D.
Patent Agent
Reg. No.: 52,130

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ATLTD02 167459.1

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